

## Nuclear Regulatory Commission

## § 4.4

to nondiscrimination with respect to the handicapped in any program or activity receiving Federal financial assistance; and

(c) The provisions of the Age Discrimination Act of 1975, as amended Pub. L. 94-135 (89 Stat. 713; 42 U.S.C. 3001 note), Pub. L. 95-478 (92 Stat. 1513; 42 U.S.C. 3001 note), which relates to nondiscrimination on the basis of age in any program or activity receiving Federal financial assistance.

[52 FR 25357, July 7, 1987]

### § 4.2 Subparts.

Subpart A sets forth rules applicable to title VI of the Civil Rights Act of 1964 and title IV of the Energy Reorganization Act of 1974. (The Acts are collectively referred to in subpart A as "the Act".) Subpart B sets forth rules applicable specifically to matters pertaining to section 504 of the Rehabilitation Act of 1973, as amended. Subpart C sets forth rules pertaining to the provisions of the Age Discrimination Act of 1975, as amended, Pub. L. 94-135 (89 Stat. 713; 42 U.S.C. 3001 note), Pub. L. 95-478 (92 Stat. 1513; 42 U.S.C. 3001 note), which relates to nondiscrimination on the basis of age in any program or activity receiving Federal financial assistance.

[52 FR 25358, July 7, 1987]

### § 4.3 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by NRC. The programs to which this part applies are listed in appendix A of this part; appendix A may be revised from time to time by notice published in the FEDERAL REGISTER. This part applies to money paid, property transferred, or other Federal assistance extended under any program or activity, by way of grant, entitlement, cooperative agreement, loan, contract, or other agreement by NRC, or an authorized contractor or subcontractor of NRC, the terms of which require compliance with this part. If any statutes implemented by this part are otherwise applicable, the failure to list a program in appendix A does not mean the program is not covered by this part. This part does not apply to—

(a) Contracts of insurance or guaranty; or

(b) Procurement contracts; or

(c) Employment practices under any program or activity except as provided in §§ 4.13, 4.122 and 4.302.

[52 FR 25358, July 7, 1987]

### § 4.4 Definitions.

(a) *Applicant* means one who submits an application, request, or plan required to be approved by NRC, or by a primary recipient, as a condition to eligibility for Federal financial assistance; "application" means such an application, request, or plan.

(b) *Commission* means the Commission of five members or a quorum thereof sitting as a body; "NRC" means the Nuclear Regulatory Commission and its duly authorized representatives.

(c) *Facility* includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provisions of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(d) *Federal financial assistance* means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which NRC provides or otherwise makes available assistance in the form of—

(1) Funds;

(2) Services of Federal personnel or other personnel at Federal expense; or

(3) Real and personal property or any interest in or use of property, including—

(i) Transfers or leases of property for less than fair market value or for reduced consideration;

(ii) Proceeds from a subsequent transfer or lease of property if the Federal share of its fair market value is not returned to the Federal Government; and the

(iii) Sale and lease of, and the permission to use (other than on casual or transient basis) Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the

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recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.

(e) *Administrative Law Judge* means an individual appointed pursuant to section 11 of the Administrative Procedure Act to conduct proceedings subject to this part.

(f) *Primary recipient* means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(g) *Program* includes any program, project, or activity designated in appendix A of this part for the provision of services, financial aid, or other benefits to individuals (including education or training) whether provided through employees of the recipient or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals, or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be extended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(h) *Recipient* means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) *Responsible NRC official* means the Director of the Office of Small Business and Civil Rights or any other officer to whom the Executive Director for Operations has delegated the authority to act.

(j) *United States* means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, and the territories and possessions of the United States, and the term “State” means any one of the foregoing.

[29 FR 19277, Dec. 31, 1964, as amended at 45 FR 14535, Mar. 6, 1980; 45 FR 18905, Mar. 24, 1980. Redesignated and amended at 52 FR 25358, July 7, 1987; 63 FR 15742, Apr. 1, 1998]

#### § 4.5 Communications and reports.

Except as otherwise indicated, all communications and reports relating to this part should be addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Communications and reports may be delivered in person to the Commission's offices at 11555 Rockville Pike, Rockville, Maryland 20852-2738.

[63 FR 15742, Apr. 1, 1998]

#### § 4.6 Maintenance of records.

Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

[53 FR 19244, May 27, 1988]